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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

7 SCOTT C. SMITH,

8 Plaintiff,

9 v.

10 DOUG WADDINGTON, RUSSELL  
11 AMARU, and ERIC HERNANDEZ,

12 Defendants.

NO. C11-5080 RJB/KLS

ORDER DENYING MOTION TO  
STRIKE

13 Before the Court is Plaintiff's Motion to Strike. ECF No. 53. Plaintiff moves the  
14 Court to strike Defendants' Motion for Summary Judgment (ECF No. 49) because it was filed  
15 after the dispositive motions deadline had already passed. ECF No. 53. The dispositive  
16 motions deadline was on January 2, 2012. ECF No. 46. This deadline had been extended at  
17 the request of Defendants. ECF No. 42. Defendants' Motion for Summary Judgment was not  
18 filed until February 7, 2012, eighteen days after the dispositive motions deadline had passed.  
19 ECF No. 49. However, when they filed their Motion for Summary Judgment, Defendants  
20 noted that the motion was being filed beyond the Court's due date because their counsel's  
21 office had been closed for three days and out of power in the preceding week due to inclement  
22 weather and immediately following a three week trial in Spokane. ECF No. 49, n. 1. This is a  
23 reasonable explanation for Defendants' delay.  
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1 In addition, Plaintiff requested and was granted, an extension of time to respond to  
2 Defendants' motion for summary judgment. ECF No. 64.

3 Accordingly, it is **ORDERED**:

4 (1) Plaintiff's Motion to Strike (ECF No. 53) is **DENIED**.

5 (2) The Clerk shall send a copy of this Order to Plaintiff and counsel for Defendants.  
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7 **DATED** this 13th day of April, 2012.

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10 Karen L. Strombom  
11 United States Magistrate Judge  
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